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SENATE

REPORT
No. 2047

EXTENSION OF THE VETERANS' PREFERENCE ACT

JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany S. 3200]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 3200) to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States after the termination of the state of war between the United States and the Government of Japan and prior to July 2, 1955, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

It is the purpose of this legislation to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States after April 28, 1952 (the date of the signing of the treaty terminating the state of war between the United States and the Government of Japan) and prior to July 2, 1955, the date on which inductions under the Universal Military Training and Service Act are terminated.

STATEMENT

Under the present Veterans' Preference Act, veterans' preference for civil-service purposes has been granted, among others, to those ex-service men and women who have served on active duty in any branch of the Armed Forces of the United States during any war or during any campaign or expedition, for which a campaign badge has been authorized.

While hostilities during World War II ceased with VJ-day, a technical state of war existed until April 28, 1952. As a result, persons who entered the Armed Forces during actual hostilities and until

April 28, 1952, were entitled to the benefits accorded to veterans under the Veterans' Preference Act of 1944. However, with the signing of the peace treaty with the Government of Japan, only those servicemen actually in Korea, for which military operation a campaign badge is authorized, have veterans' preference for civil service purposes.

The men presently being inducted into the armed services are, of course, faced with many of the same situations as those who were inducted prior to April 28, 1952. They must involuntarily submit to a disruption in their professional careers or occupations, manner, and place of living and undergo rigorous training.

The committee sees no justification to exclude from the Veterans' Preference Act these men who are presently being inducted into the armed services, many of whom will fight on the Korean battleground. It, therefore, recommends that the Senate approve S. 3200 as reported by the committee unanimously.

The reports of the Civil Service Commission and the Comptroller General are attached and made a part of this report.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington 25, D. C., June 16, 1952.

Hon. OLIN D. JOHNSTON,
*Chairman, Committee on Post Office and Civil Service,
United States Senate, Washington, D. C.*

DEAR SENATOR JOHNSTON: Further reference is made to your letter of May 21, 1952, requesting a report on S. 3200, a bill to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States after the termination of the state of war between the United States and the Government of Japan and prior to July 2, 1955.

S. 3200 would amend the Veterans' Preference Act of 1944, as amended, to extend the benefits of that act to persons who served in any branch of the Armed Forces of the United States during the period beginning April 28, 1952, and ending July 1, 1955 (the period after the termination of the state of war between the United States and the Government of Japan during which persons may be inducted under existing law for training and service in the Armed Forces). The bill provides the necessary amendments to the Veterans' Preference Act of 1944, as amended, in order to carry out its purposes.

The Commission would have no objection to the enactment of S. 3200.

In accordance with established procedure, the Commission has been informed by the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

By direction of the Commission:

Sincerely yours,

ROBERT RAMSPECK, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, May 29, 1952.

Hon. OLIN D. JOHNSTON,
*Chairman, Committee on Post Office and Civil Service,
Senate Office Building, Washington, D. C.*

MY DEAR MR. CHAIRMAN: I have your letter of May 21, 1952, acknowledged by telephone May 23, requesting the comments of this Office concerning S. 3200, Eighty-second Congress, entitled "A bill to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States after the termination of the state of war between the United States and the Government of Japan and prior to July 2, 1955."

An identical bill, H. R. 7721, has been introduced in the House of Representatives.

The proposed legislation would amend the Veterans' Preference Act of 1944, as amended, so as to include among the persons granted preference in appoint-

ment, reinstatement, reemployment, and retention in civilian positions in the Government "those ex-service men and women who have served on active duty in any branch of the Armed Forces of the United States during the period beginning April 28, 1952, and ending July 1, 1955 (the period after the termination of the state of war between the United States and the Government of Japan during which persons may be inducted under existing law for training and service in the Armed Forces), and have been separated from such Armed Forces under honorable conditions."

Although this Office has no special information pertaining to this matter, there is not perceived any objection to favorable consideration of legislation such as proposed, since the official termination of the state of war with Japan does not appear to affect the service of those persons in active service in the Armed Forces during the period specified in the bill, particularly in view of the unsettled conditions and armed conflict prevailing in Korea at this time.

Pursuant to your request, three carbon copies of this report are enclosed herewith.

Sincerely yours,

FRANK L. YATES,

Acting Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 3200, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTIONS 2 AND 3 OF THE VETERANS' PREFERENCE ACT OF 1944, AS AMENDED

SEC. 2. In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), *or during the period specified in clause (6) of this section*, and who were separated therefrom under honorable conditions; and (4) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions; (5) mothers of deceased ex-servicemen or ex-servicewomen who lost their lives under honorable conditions while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), *or during the period specified in clause (6) of this section*, or of service-connected permanently and totally disabled ex-servicemen or ex-servicewomen who were separated from such armed forces under honorable conditions if—

- (A) the father is totally and permanently disabled, or
- (B) the mother was widowed, divorced, or separated from the father and—
 - (1) has not remarried, or
 - (2) has remarried but (i) her husband is totally and permanently disabled or (ii) she is divorced or legally separated from her husband or such husband is dead at the time preference is claimed; and

(6) those ex-service men and women who have served on active duty in any branch of the Armed Forces of the United States during the period beginning April 28, 1952, and ending July 1, 1955 (the period after the termination of the state of war between the United States and the Government of Japan during which persons may be inducted under existing law for training and service in the Armed Forces), and have been separated from such Armed Forces under honorable conditions.

SEC. 3. In all examinations to determine the qualifications of applicants for entrance into the service ten points shall be added to the earned ratings of those persons included under section 2 (1), (2), (3), and (5), and five points shall be added to the earned ratings of those persons included under section 2 (4) and (6) of this act: *Provided*, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this act as long as persons entitled to preference are available and during the present war and for a period of five years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

CHANGES BY EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 3360, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTIONS 2 AND 3 OF THE VETERANS' PREFERENCE ACT OF 1924, AS AMENDED

SEC. 2. In certification for appointment, in appointment, in reinstatement, in reemployment, and in reversion to civilian positions in all establishments, agencies, bureaus, administrative projects, and departments of the Government, preference shall be given to persons who have served on active duty in any branch of the Armed Forces of the United States during any war or in any campaign or expedition for which a campaign badge has been authorized, or during the period specified in clause (6) of this section, and who were separated therefrom under honorable conditions; and (4) those ex-servicemen and women who have served on active duty in any branch of the Armed Forces of the United States, during any war or in any campaign or expedition for which a campaign badge has been authorized, and have been separated therefrom under honorable conditions; (5) mothers of deceased ex-servicemen or ex-servicewomen who lost their lives under honorable conditions while on active duty in any branch of the Armed Forces of the United States during any war or in any campaign or expedition for which a campaign badge has been authorized, or during the period specified in clause (6) of this section, or of service-connected and totally disabled ex-servicemen or ex-servicewomen who were separated from such Armed Forces under honorable conditions:—

- (A) the father is totally and permanently disabled, or
(B) the mother was widowed, divorced, or separated from the father and—
(1) has not remarried, or
(2) has remarried but (i) her husband is totally and permanently disabled or (ii) she is divorced or legally separated from her husband or such husband is dead at the time preference is claimed; and